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SIPDIS

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SUBJECT: OUTGOING FRENCH ADOPTIONS OFFICIAL SAYS VIETNAM IS
"STILL NOT READY."

REF: A) HANOI 1870, B) HANOI 1759, C) PREVIOUS, and D) 02
HANOI 0039

1. (SBU) Summary. Despite the precision in the French adoption agreement with Vietnam, French adoptions are encountering problems at the provincial levels. Significant problems include demands for donations/fees in excess of those set in the French agreement, unclear origins of adoptive children (some of whom are rumored to have been trafficked from China or Cambodia), and the withholding of children pending the finalization of an MOU with the Americans - because the Americans "will pay much more." Central authorities reportedly are investigating such concerns, but often lack the power to halt problems at the provincial level. A French adoption official in Hanoi fears that a premature agreement between the U.S. and Vietnam could serve to exacerbate the problems on the ground. End Summary.

DEPARTING FRENCH ADOPTIONS OFFICIAL

2. (SBU) On July 25th, Consul spoke with the departing official responsible for international adoptions at the French Embassy, Pierrette Collomb. Collomb had been in this position for three years, focusing solely on adoptions. During her tenure, she served as the point-person throughout the negotiation of the French agreement, processed adoptions for French adoptive parents, maintained relations with provincial and central government authorities, investigated fraud, and visited orphanages regularly.

DESPITE TOUGH FRENCH AGREEMENT - PROBLEMS PERSIST

3. (SBU) Collomb described the French agreement as having tight controls. All French adoptive parents must make a USD 3000 'donation' to the GVN. This amount is established in the French agreement and covers the expenses of the orphanage as well as the processing expenses of the provincial and central government. Any indication that an amount larger than the set donation has been paid is grounds for nullifying an adoption. In addition, the GOF also retains the authority to approve all adoption agencies and facilitators - called "associations" - that can operate in Vietnam.

4. (SBU) Despite these strictures in the French agreement, Collomb has encountered a number of problematic adoption dossiers. The primary anomaly, encountered in many dossiers, was requests for donations or payment of fees in excess of the pre-determined US\$3000. Another very disturbing problem is the lack of clear history for the children up for adoption in many provinces. Documents demonstrating their biological parentage, those parent's ties to the province, or those parent's intent to relinquish the children are often unavailable or questionable. In provinces where donations or documentation are consistent problems, Collomb reports that she consistently sees the same signatures (of provincial level officials) with inordinate frequency. Collomb also believes rumors that many children continue to be trafficked across provincial borders (which is not allowed) and even transnational borders. (Note: Rumors have abounded for years that many children adopted from Vietnam were trafficked to Vietnam from China or Cambodia. End note.)

5. (SBU) Finally, and of particular concern, Collomb was eager to report that many provinces simply refuse to make children available because "they are waiting for the Americans who will pay much more."

6. She identified a non-comprehensive list of provinces from which dossiers tend toward such anomalies and hindrances - Ba Ria Vung Tau, Ho Chi Minh, Da Nang, Ha Noi, Ha Tay, Hai Phong, Bac Giang, and Thai Nguyen.

SPECIFICS

17. (SBU) Collomb did cite some examples from specific provinces. In Bac Giang, a province in which U.S. adoptive parents previously encountered difficulties, the MOJ is investigating claims that children are being smuggled from China. Adoptions are currently halted in Bac Giang pending the investigation. In Hanoi, adoption officials have been the most blatant in declaring that they will wait for the American agreement and the associated money. In Thai Nguyen Province, Collomb has seen a disproportionate number of girls being made available for adoption. She indicates that most legitimate orphans are simply third or subsequent children that families cannot afford, and thus are equally likely to be boys. However, as boys are traditionally expected to provide for their parents, if biological parents are being 'convinced' to give up children, it is easier to convince them to give up girls than boys. This may also indicate a possible link to trafficking in children from China, where girls are frequently "given up" in preference for a boy. Finally, she reported a case in Hai Phong in which, when asked in the final stages of processing the adoption, the mother did not consent (and said she had never consented) to relinquish the child. Here Collomb said the system worked and the adoption did not go through, but she also expressed concern that this demonstrated that provincial and orphanage officials are willing to indicate that a child was available when the child was clearly not.

SUPPLY HAS SHRUNK

18. (SBU) Significantly, Collomb noted that while orphanages were crowded prior to the implementation of Decree 68 (described in ref D), when "fees" were paid freely, there are few children in the orphanages now. She says that while approximately 400 adoptions have gone through since the French agreement was ratified, there are still 1000 cases of adoptive parents to whom children have not been made available. She feels that this is due to the relatively low set donation - the market incentive is just not there.

GVN RESPONSE TO PROBLEMS

19. (SBU) Collomb believes that the problems lie in the provinces. She says that the central authorities are generally quite good at pursuing cases when anomalies arise, but that they simply don't have the power, means, or authority to halt these inaccuracies and abuses. The central authorities investigate many cases and questionable results often result in nullification of the adoption, but some cases do go through. Collomb indicated that the MOJ sent letters to provinces that were particularly problematic (she did not indicate which provinces), and those provinces now simply refuse to work with French adoptive parents.

110. (SBU) Collomb did applaud the GVN's efforts to reduce abuse of international adoptions through Decree 68 and the establishment of new authorities and procedures. She feels that the GVN has moved far forward in the time she was here. Unfortunately, her general conclusion is that despite the GVN's progress and good intentions, the legal systems are not in place, the central authorities do not have enough power, and "Vietnam is just not ready." Likely in reference to the American dollars which provincial level official associate with American adoptions, she added: "An American agreement will only exacerbate the problems we are encountering. When Vietnam is ready to deal with these problems, it will be ready to join the Hague."

COMMENT

111. (SBU) The central authorities' inability to enforce policies at the provincial levels is endemic in Vietnam. Recent examples include BTA implementation and treatment of ethnic minorities. In addition, it bears mentioning that the central authorities related to international adoption are in flux as reported in refs A and B. The future reaction of these as yet unnamed officials to similar anomalies cannot be predicted.

112. (SBU) While the views reported in this cable are only one official's views, that official has worked on this issue intensively for three years. In addition, Collomb's views are simply further corroboration of the findings uncovered and reported by DHS/HCMC over the past three years. It was DHS/HCMC's findings that spurred the GVN to pass Decree 68. The potential for such problems to arise should be kept in mind as we continue to work for progress on seeking a new arrangement with Vietnam to allow international adoptions with the United States.

PORTER